

EX PARTE OR LATE FILED

ORIGINAL

WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

R. MICHAEL SENKOWSKI
(202) 429-7249

January 24, 1994

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

DOCKET FILE COPY ORIGINAL

RECEIVED

JAN 24 1994

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W. -- Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Contact
GEN Docket No. 90-314

Dear Mr. Caton:

Wiley, Rein & Fielding hereby files an original and one copy of a notification of an ex parte contact in GEN Docket No. 90-314. Copies of the attached summary of the replies to the comments on the petitions for reconsideration in GEN Docket No. 90-314 were distributed to Federal Communications Commission staff.

If any questions should arise concerning this notification, please contact R. Michael Senkowski at (202) 429-7249.

Respectfully submitted,

By: R. Michael Senkowski
R. Michael Senkowski

RMS/cjs
Enclosure

No. of Copies rec'd
List ABCDE

021

WILEY, REIN & FIELDING

**SUMMARY OF REPLIES TO COMMENTS ON
PETITIONS FOR
RECONSIDERATION OF THE SECOND REPORT AND
ORDER ON PERSONAL COMMUNICATIONS SERVICES**

**GEN Docket 90-314
ET Docket 92-100**

**R. Michael Senkowski
Robert J. Butler
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000**

January 24, 1994

LICENSED ISSUES

1. Cellular Eligibility Restriction:

Modify/Eliminate:

Association of Rural Area Telephone and Cellular Service Providers
Bell Atlantic
Comcast
CTIA
GTE
McCaw
National Rural Telecommunications Association
NYNEX
Pacific Telecom Cellular
PMN, Inc.
Radiofone
Rural Cellular Association
Sprint
US Intelco Networks

Retain/Expand:

General Communications, Inc.
MCI
Pacific Bell and Nevada Bell
Time Warner

2. Extend Eligibility Restriction to ESMRs

Yes:

Association of Independent Designated Entities
GTE
McCaw
Time Warner
U S West

No:

Nextel

3. Allow Compliance with Eligibility Rules After Bidding

Ameritech
Comcast (6 months)
GTE

McCaw
Sprint (One year)
U S West

4. Grant Tax Certificates for Entities Divesting Cellular Interests

Ameritech
GTE
Sprint

5. Allow Subdivision of PCS License on a Geographic/Spectrum Basis

Yes:

Alliance of Rural Area Telephone and Cellular Service Providers
Association of Independent Designated Entities
CTIA
GTE
McCaw
PCS Action
Rural Cellular Association
Telocator
Time Warner
US Intelco Networks

No:

General Communications, Inc.
Pacific Bell

6. Increase Authorized Power Limits

Yes:

American Personal Communications
MCI
Pacific Bell
Telocator
U S West

No:

Nextel

7. Change Size of Spectrum Blocks

Yes:

Bell Atlantic (Six 20 MHz channels)

CTIA (Four 20 MHz channels, four 10 MHz channels)

Nextel (Four 20 MHz channels, four 10 MHz channels)

NYNEX (Reposition 10 between 30 MHz channels,
move 20 higher)

No:

American Personal Communications

General Communications, Inc.

8. Change Size of Service Area

Yes:

CTIA (all BTA)

Nextel (all BTA)

No:

American Personal Communications

9. PCS Allocation for Private Use

Yes:

APCO

No:

American Personal Communications

Telocator

10. Require Compliance with Specified Equipment Standards

Yes:

AT&T (require compliance with industry-developed interim standards)

Motorola (industry adopt interim standards by
end of 1994; equipment authorization requests
must certify compliance)

National Communications System (FCC should
require industry groups to consider interoperability
and nationwide roaming)

No:

American Personal Communications
Encompass
MCI

11. Re-Examine Build-Out Requirements

Association of Rural Area Telephone and Cellular Service Providers
Pacific Bell
Rural Cellular Association
Southwestern Bell
U S West

12. Use Rand McNally Definitions

Yes:

Rand McNally

No:

American Personal Communications
Association of Independent Designated Entities
FCBA
Hill & Welch
Telocator

13. Require PCS to Provide E911

Yes:

APCO
National Emergency Number Association
Texas Advisory Committee on Emergency Communications

No:

Telocator

14. Change Rules Regarding Emissions Limits

American Petroleum Institute

Apple (guardband in 5 MHz on either side of unlicensed band)

MCI (opposes Apple)

Motorola

Telecommunications Industry Association

Telocator

15. Reserve PCS Spectrum for MSS

AMSC (2180-2200 MHz)

Association for Maximum Service Television (1990-2110 MHz)

Loral Qualcomm (2180-2200 MHz)

TRW (2180-2200 MHz)

16. Prohibit Common Carrier Services in Unlicensed Band

Yes:

AT&T

No:

U S West

17. Other Issues

Allow management agreements consistent with FCC precedent (American Wireless Communications Corp.)

Allow PCS providers to offer any non-broadcast service, including fixed (U S West)

Clarify application filing rules (Telocator)

Require structural separation of PCS by LECs (Comcast)

Reserve Block C for rural telephone companies (US Intelco Networks)

COMMENTS ADDRESSING UNLICENSED ISSUES

Apple Computer, Inc.

- Supports the need for "private PCS" spectrum allocation but not at the expense of reducing the spectrum allocation for unlicensed devices.
- While agreeing that common carrier services should be excluded from the unlicensed PCS band, Apple believes that the band should be regulated solely through the equipment authorization process and not subject to application review.
- The FCC should remove all references to UTAM from its rules until that entity demonstrates that it can comply with its described responsibilities.
- FCC staff and not a private entity should define the testing procedures for the equipment authorization process.
- The FCC should review technical changes to the "Etiquette" on technical merit alone and not base final decisions on whether the rule represents a consensus of opinion.
- Supports the comments of SpectraLink in regard to Apple's proposal for conditional technical approval of non-coordinatable devices. Does not believe that non-coordinatable devices should be deployed in advance of band clearing.

Motorola, Inc.

- Common Air Interfaces are necessary for PCS to succeed. Without common standards, PCS systems will not be interoperable.
- FCC should create uplink/downlink bands by restricting the power of TDD devices so as to assure minimal interference between PCS systems operating in adjacent frequency blocks.
- FCC should support the WINForum unlicensed PCS Etiquette and change the two 5 MHz channels in the 1890-1900 MHz isochronous sub-band to eight 1.25 MHz channels. This will not exclude any technologies from the band.
- Supports the listen-before-talk threshold of 50 dB above thermal noise.

Alcatel Network Systems, Inc.

- Bulletin 10-F should be the only PCS-to-microwave interference standard. This conclusion is unanimously supported by the record.
- "Excess" margin should not be defined by either industry standards groups or the Commission.
- Supports proposal that microwave operators be required to upgrade their systems if such an upgrade would reduce interference and the PCS operator is willing to pay the cost of such an upgrade.

American Telephone & Telegraph Company

- Commission should require conformance to standards fully developed by an ANSI-accredited body. Without standards, there will be no interoperability and the deployment of PCS will be more difficult.
- The unlicensed band should not be available to services designated by the Commission to use auctioned spectrum.

Ericsson Corporation (Unlicensed PCS Issues)

- Asserts that the WINForum Etiquette does not represent the "consensus" of the unlicensed community particularly with respect to segmentation of the isochronous band. Eliminating band segmentation will allow a wide variety of technologies to be deployed in the isochronous sub-bands, including TDMA and CDMA systems, without precluding narrowband systems.
- Rules to limit the total spectrum of collocated base station devices and establish proper packing requirements that prevent unnecessary spreading of carriers are needed.
- Opposes Motorola's proposal to apply fixed 1.25 MHz segmentation in both isochronous sub-bands.

UTAM, Inc.

- The Commission should not require unlicensed PCS devices to contain a built-in mechanism to prevent premature activation before installation.

- UTAM should not be held to a higher standard of responsibility than other frequency coordinators.

Metricom, Inc.

- Transmitter power limits in new Section 15.319 should be increased to the extent permitted by the standards for exposure to radio frequency emissions so as to allow the widest variety of PCS devices.
- Section 15.323(b) should allow frequency hopping spread spectrum systems in the band and new Section 15.323(f) should be modified to allow transmission bursts of more than 10 milliseconds.
- Radio common carrier services should not be excluded from the unlicensed PCS band.

Wireless Information Networks Forum ("WINForum")

- Proposes that FCC modify Part 15 rules to: increase from 1 to 30 seconds the limitation for control and signalling information in Section 15.321(c)(4); remove the isochronous packing rule in Section 15.321(b); clarify the emissions limits in Sections 15.321(d) and 15.323(d); allow duplex connections by adding a new Section 15.321(c)(10); and alter the method of power measurement prescribed in Section 15.319(c).
- Criticism of WINForum is unfounded. It is a well-attended industry forum with fair procedures.
- Commission should maintain the channelization and power measurement rules adopted in the Second Report and Order.

ROLM Company

- Commission should remove segmentation from both the isochronous bands, or at least extend the more flexible 5 MHz lower isochronous band scheme to the upper isochronous band. Believes that WINForum has not handled this issue fairly.

- FCC should limit the potential for interference by either restricting the power level in the spectrum adjacent to the UPCS band or by geographically restricting the location of the high power base stations to low population rural areas.

Columbia Spectrum Management, Inc. (Ex parte communication)

- License for the microwave path being relocated should be assigned from the microwave incumbent to the party that relocates the path. That party would remain the licensee of the path but would be granted a waiver of loading requirements and would not transmit signals on the path. The party would turn the license over to the Commission when the corresponding PCS or MSS licensee pays a proportionate share of the costs of relocating the microwave facility plus reasonable interest which could be capped by the Commission.
- Proposes plan for relocation of microwave users from unlicensed band so as to allow the introduction of nomadic devices within 18 months.
- CSM is preparing a field test to verify adjacent channel interference criteria to be incorporated into TIA TR14.11 Bulletin 10-F Appendix H.

Northern Telecom, Inc.

- Opposes limiting licensed PCS output power to 5 watts on frequencies adjacent to the unlicensed PCS band because such a proposal does not meet the needs of the licensed PCS service. Instead, the FCC should extend the out-of-band power requirements to any frequency outside a licensed block to prevent interference to licensed or unlicensed PCS operations.
- Opposes modifications to the unlicensed PCS band plan in order to create two contiguous 20 MHz segments: one for isochronous devices and one for asynchronous devices. Such a proposal ignores the practical necessity of funding the removal of incumbents.
- Supports Ericsson's proposal that the rules should reinstate the marker provision as outlined in the WINForum Etiquette with a 30 second response requirement as opposed to the FCC-imposed 1 second requirement.
- The "packing" rule should be eliminated because situations will occur when interference will cause multiple calls to be reconnected at the same time.

- Supports retaining 1.25 MHz channelization because no alternative has been proposed that would allow equipment from different manufacturers to efficiently share access to the spectrum or that would ensure that equipment from one manufacturer would not monopolize the spectrum.
- Reiterates its proposal to allow multi-carrier devices and provides technical support for its position that this would not violate the listen-before-talk provision.